

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**  
**(BOSTON DIVISION)**

**LINDA VINH,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,**

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff, Linda Vinh, by and through her undersigned counsel, Austin Goman, Esq, alleges as follows:

**INTRODUCTION**

1) This is a civil action for declaratory judgment pursuant to 28 U.S.C. § 2201 and Federal Rule of Civil Procedure 57 seeking a judicial determination that Plaintiff's correct date of birth is January 1, 1959, and requesting an order directing the United States Citizenship and Immigration Services (USCIS) to issue a corrected Certificate of Naturalization and amend related government records accordingly.

**JURISDICTION AND VENUE**

1) This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1361 (mandamus

jurisdiction), as the matter arises under the laws of the United States.

- 2) Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(e), as the Plaintiff resides within this district and the Defendant is the United States government.

### **PARTIES**

- 3) Plaintiff, Linda Vinh, is a naturalized citizen of the United States and currently resides at 15 Alice Road, Randolph, MA 02368, Massachusetts.
- 4) Defendant is the United States of America, acting through its agency, the United States Citizenship and Immigration Services (USCIS).

### **FACTUAL ALLEGATIONS**

- 5) Plaintiff was born on January 1, 1959, as reflected in her official birth records issued by the competent authority in her country of birth. A true and correct copy of the Plaintiff's birth Certificate as well as a Translated copy are attached hereto as Exhibit A.
- 6) Plaintiff was naturalized as a United States citizen on or about October 26<sup>th</sup>, 1989, and was issued a Certificate of Naturalization listing an incorrect date of birth as January 1, 1962. A true and

correct copy of the Plaintiff's Certificate of Naturalization is attached hereto as Exhibit B.

- 7) Based on the incorrect naturalization record, Plaintiff's United States passport also reflects the incorrect date of birth. A true and correct copy of the Plaintiff's US Passport is attached hereto as Exhibit C.
- 8) On or about December 26, 2024, Plaintiff submitted Form N-565, Application for Replacement Naturalization/Citizenship Document, to USCIS, seeking correction of the date of birth.
- 9) On or about April 7, 2025, USCIS subsequently responded that it cannot make the correction unless Plaintiff obtains an order from a United States District Court declaring her correct date of birth. A true and correct copy of the USCIS letter is attached hereto as Exhibit D.

**CLAIM FOR RELIEF**

**(Declaratory Judgment – 28 U.S.C. § 2201)**

- 10) Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 10.
- 11) An actual controversy exists between the Plaintiff and Defendant concerning Plaintiff's correct date of birth.

- 12) Plaintiff seeks a declaration from this Court that her true and correct date of birth is January 1, 1959, and an order directing USCIS to amend her Certificate of Naturalization and all associated federal records accordingly.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that Plaintiff Linda Vinh's correct date of birth is January 1, 1959;
- B. Order USCIS to issue a corrected Certificate of Naturalization reflecting the correct date of birth;
- C. Order that all related federal records, including Plaintiff's passport and immigration file, be corrected to reflect the correct date of birth;
- D. Award such other and further relief as the Court deems just and proper.

Respectfully submitted,

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